IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

CRP.No. 597 of 2004(A)

AGAINST THE ORDER DATED / / IN ARC 956 2001 IN EP.37/2000 of D.C. & SESSIONS COURT,KOZHIKODE

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REVN. PETITIONER/ DECREE HOLDER

SREE GOKULAM CHIT & FINANCE CO. P.LTD.
NO.356, ARCOT ROAD, KODAMBAKKAM, CHENNAI-600 024,
REP. BY THE POWER OF ATTORNEY HOLDER,
K.M.RAJAGOPALAN, S/O. LATE PADMANABHAN,
ASST.MANAGER,SREE GOKULAM CHIT & FINANCE CO.(P)LTD
M.G.ROAD, KOCHI-682 016.

BY ADV. SRI.K.S.BABU
SMT.N.SUDHA

RESPONDENTS: JUDGMENT DEBTOR;

V.P.SUDHEERKUMAR, S/O. APPUKUTTAN,
MAHALAKSHMI ENTERPRISES, 1ST FLOOR,CHOICE COMPLEX,
CHINTHAVALAPPU, KOZHIKODE.

BY ADV. SRI.DEVAPRASANTH.P.J.

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 02/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

HARUN-UL-RASHID, J.

C.R.P No. of 2007

Dated this the 2nd day of November 2007

ORDER

This Civil Revision Petition is filed by the decree holder against the order dated 29-1-2004 in E.P 37/2002 on the file of the District Judge, Kozhikode. The decree sought to be executed is dated 6-2-2002 passed by the Arbitrator for Chit Fund cases Chennai under the provisions of the Central Chit Fund Act 1982. The amount sought to be realised in execution is approximately Rs.34,000/- with future interest and costs. The court below relying on the decision reported in **Krishnamoorthy Vs.Khaleel Rahman 1996 (2) K.L.T. 788** held that the court is having no jurisdiction to execute the decree and is not in a position to execute the decree. Hence the execution petition was dismissed. In the decision reported in Krishnamoorthy's case (Supra) wherein it is held that *"Therefore in the absence of enforcement of Chit Funds Act 1982,in the State of Kerala, the Civil Courts cannot treat the orders of the Registrar under the Chit Funds Act as a decree of a Civil Court and it cannot be executed ".*

In the light of the dictum laid down in Krishnamoorthy's case (Supra) the court below is justified in holding that it has no power to execute the decree. The remedy available to the decree holder/ revision petitioner is to

approach the forum/court having power and jurisdiction to execute the order of the Registrar. I reserve the liberty of the revision petitioner to approach the proper forum/court for executing the Registrar's orders

In the result, the Civil Revision Petition is disposed of as above.

HARUN-UL-RASHID, JUDGE

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